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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of	)	
	)	
Cellular Telecommunications Industry Association	)	
	)	
Petition for Rulemaking Concerning	)	
Implementation of WRC-2000:	)	RM-9920
Review of Spectrum and Regulatory	)	
Requirements for IMT-2000	)	

To: The Commission

COMMENTS OF IP WIRELESS INC.

IPWireless Inc. ("IPW"), by its attorneys and pursuant to the public notice issued by the Office of Engineering and Technology ("OET") on July 28, 2000,[1] hereby submits these comments on the petition filed by the Cellular Telecommunications Industry Association ("CTIA") on July 12, 2000. CTIA has requested that the Commission initiate a rulemaking to begin the process of designating additional spectrum for third generation ("3G") wireless service in a manner consistent with the decisions adopted at the International Telecommunications Union's ("ITU") World Radiocommunication Conference 2000 ("WRC-2000") with respect to International Mobile Telecommunications 2000 ("IMT-2000") services.

IPW is a start-up company engaged in the design and manufacture of wireless fixed access systems that are IMT-2000 compliant. As such, IPW is keenly interested in the Commission's consideration of allocation matters related to IMT-2000. For the reasons explained below, IPW supports the initiation of a proceeding to start the process of identifying spectrum appropriate for IMT-2000 and other 3G wireless services.

However, given the broad range of issues to be addressed across multiple spectrum bands and services, IPW believes that the appropriate first step is the issuance of a Notice of Inquiry, rather than the Notice of Proposed Rulemaking requested by CTIA.

The U.S. government has treaty obligations to study several bands for possible deployment of 3G services. CTIA has appropriately identified the treaty obligations in this regard. Therefore, it is entirely appropriate that the Commission begin the process of studying the two spectrum bands identified by WRC-2000 for terrestrial implementation of IMT-2000 (the 1710-1885 MHz and 2500-2690 MHz bands), as well as the bands previously identified by the 1992 World Administrative Radio Conference (WARC-1992).[2]

With respect to the 1755-1850 MHz band, IPW agrees with CTIA that the Commission should continue to assess the availability of this band with NTIA and those federal government agencies currently using this spectrum. The 1755-1850 MHz band, ideally in combination with the 1710-1755 MHz band slated for auction within the next two years, may be an appropriate band for deployment of IMT-2000 within the United States.

IPW has a particular interest in the 2500-2650 MHz band, having recently developed wireless technology capable of delivering advanced telecommunications capability, including two-way broadband Internet access and distance learning applications to residential subscribers, small and medium businesses and educational institutions. IPW

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[1] Comment Invited on Third Generation Wireless/IMT-2000 Petitions (RM-9911 and RM-9920), DA 00-1673, Released: July 28, 2000.

[2] The bands identified for IMT-2000 implementation by WARC-1992 are the 1885-2025 MHz and 2110-2200 MHz bands. In the process of identifying suitable spectrum for IMT-2000, the Commission should not overlook the possibility that a substantial portion of the need for harmonized IMT-2000 spectrum could be met within the upper portion of the 1850-1990 MHz band currently allocated domestically for broadband Personal Communications Services, particularly as the incumbent users of that band implement their announced plans to migrate to 3G technology. In many places, portions of the capacity in the 1850-1990 MHz band are not fully utilized.

has begun initial deployment of this technology under a developmental authorization in Multichannel Multipoint Distribution Service (MMDS) spectrum in Greensboro, North Carolina. IPW is also working with well-established and currently operating ITFS licenses to deploy this technology on Instructional Television Fixed Service (ITFS) channels.

Over the past forty years, the Commission has successfully modified its regulatory framework for the 2500-2650 MHz band to accommodate the evolution of technology and the needs of the public, as well as the ongoing public interest in ITFS services. Initially, during the "baby boom," the Commission allocated the band exclusively to ITFS, to permit educational institutions to transmit instructional television programming to schools and other authorized receive sites. More recently, the Commission authorized a new Multichannel Multipoint Distribution Service to promote competition to wired cable television systems in the multichannel video market and allowed ITFS licensees to lease excess capacity to MMDS licensees, thereby also continuing and expanding the support of ITFS services in the band.

Within the past several years, the Commission has continued to successfully adapt its rules for this band to ongoing changes in technology and the marketplace. It has authorized digital transmission in addition to standard analog NTSC signals in the ITFS/MMDS band. It has auctioned a portion of the MMDS allocation to make broadband services, including Internet access, more broadly available on a geographic basis. Most recently, the Commission has adopted rules allowing for the two-way transmission of broadband services on MMDS and ITFS channels.

These successive changes have resulted in a great deal of innovation and investment in the 2.5 GHz band. In addition to the substantial investments recently made in acquiring spectrum in the MMDS auction, companies including WorldCom, Sprint and Nucentrix, have worked with vendors including Cisco Systems, ADC, Adaptive Broadband and others to develop technologies capable of delivering broadband voice, video and data services to residential, small and medium businesses and educational institutions.

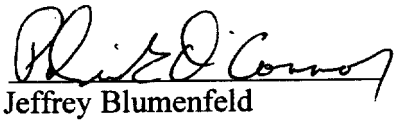
IPW is one of the companies that have invested substantial sums in the development of wireless broadband technologies and services. IPW's technology is currently in operational trials and is expected to be widely deployed over the next one to two years. The innovative technologies now being developed will not only enhance traditional fixed site video distance learning applications, but also support emerging Internet-based anytime, anywhere interactive instructional media. The 2.5 GHz band is particularly well suited for the deployment of broadband access technologies targeted to distance learning, small business and consumer applications. It allows for in-building penetration and is less subject to line-of-sight restrictions than higher frequency bands. Thus, many more homes, offices and classrooms can receive broadband access without rooftop antennas or inside wiring in the 2.5 GHz band than in the "upperbands" above 3 GHz.

As the Commission noted at paragraph 42 of the Second Report on Deployment of Advanced Telecommunications Capability released on August 21, 2000, these "services and technologies have the potential to deliver high-speed services to residential, rural and otherwise underserved areas and to increase competition in the last mile in the near future." The FCC should not undermine the substantial progress in this area to the detri-

ment of ITFS and MMDS licensees and their partners in offering updated educational programming, distance learning and two-way broadband services.

In its examination of the existing use of the 2500-2560 MHz band and its possible future use for IMT-2000 compliant services, the Commission should seek to continue on the path of adaptive regulation it has successfully followed in this band over the last forty years, without displacing either the traditional instructional television uses or the emerging competitive uses on both the ITFS and MMDS frequencies. At this stage, the record does not support a rulemaking. The Commission does not have before it a comprehensive view of all of the existing and emerging uses in this band or the ways in which these and future uses relate to each other. Therefore, in lieu of a Notice of Proposed Rulemaking, the Commission should adopt a Notice of Inquiry in order to gather the necessary record. IPW believes the Commission can and should continue to adapt its regulatory framework to meet these challenges and looks forward to working with the Commission in this effort.

Respectfully submitted,
IP WIRELESS INC.

By: 
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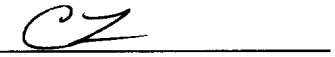
Dated: August 28, 2000

CERTIFICATE OF SERVICE

I, Christopher Lamb, do hereby certify that on August 28, 2000, copies of the foregoing document was served, postage pre-paid, to the parties listed below:



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